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purpose of the bankrupt in transferring his property is a question of fact for the jury.

4. Same.—A conveyance to one creditor of what would otherwise under the act go to all binders and delays the other creditors and is in fraud of the act, whether or not the transfer is fraudulent at common law, under the statute of fraudulent conveyances, or otherwise.

FRENCH *v.* LOGAN'S ADM'R et al.

March 1, 1908.

[60 S. E. 622.]

1. Wills—Construction—Vested Estates.—The law favors the vesting of estates, and where a bequest or devise is made, and the property is not to be enjoyed in possession until some future period or event, it will, in the absence of some special intent to the contrary, be construed to be vested in interest immediately on the death of the testator, rather than contingent on the state of things which may exist when the legatees or devisees are entitled to the possession.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 49, Wills, §§ 1461, 1462.]

2. Same.—Testator provided that all property and money given to a beneficiary should vest in a third person in trust for her benefit, free from the debts or control of her husband for her life, and at her death divided among her "issue according to the statute of descents and distribution." In the same clause he directed that the remainder of his estate should be divided into two equal parts, of which one should be divided among "the heirs and distributees" of a deceased brother according to the statute of descents and distributions, and the other half among the heirs and distributees of another deceased brother "according to the same statute." Held, that the remainder on the death of the beneficiary vested at the death of the testator, subject to the life estate of the beneficiary.

SOUTHERN RY. CO. *v.* NEWTON'S ADM'R.

March 12, 1908

[60 S. E. 625.]

1. Master and Servant—Injuries to Servant—Condition of Railroad Tracks.—Where a brakeman was killed while in the performance of his duties in endeavoring to uncouple a car from a freight train, and the accident resulted from his stepping into a trench or excavation which had been dug along the track for the purpose of putting in target signals, the railway company was negligent, although it may